



# THE ATTORNEY GENERAL OF TEXAS

Gerald C. Mann  
~~DEPARTMENT OF JUSTICE~~

AUSTIN 11, TEXAS

ATTORNEY GENERAL

Honorable J. E. McDonald  
Commissioner of Agriculture  
Austin, Texas

Dear Mr. McDonald:

Opinion No. O-4498

Re: Legality of hemp-growing in  
Texas

We have your request of March 11, 1942, which  
reads as follows:

"Due to the present conflict which involves  
Philippines, Java, Manila and India, where most of our  
low grade fibres are produced for making Rope, Twine  
and Burlap containers, the problem of developing those  
fibres in the United States is very acute.

"A great many sections of Texas, particularly the  
Rio Grande Valley, have ideal soil and climatic condi-  
tions for producing fibrous plants. Therefore, I  
should like to have an opinion on the legality of  
growing Hemp in the State of Texas and, second, if  
Hemp may be legally grown in Texas for its fibre from  
which rope, twine and burlap containers may be made."

"Hemp" is a tall Asiatic herb, (*cannabis sativa*)  
the tough fiber of which is used for making cordage and var-  
ious kinds of coarse fabrics, and the tender parts of which  
as its flowers and leaves, yield the narcotic hashish, and  
are employed in pharmacy under the name "cannabis". - Web-  
ster's New International Dict., 2d Ed.

The Uniform Narcotic Drug Act (Vernon's Annotated  
Penal Code, Article 725b) provides that it shall be unlawful  
for any person to cultivate or grow narcotic drugs without a  
license to do so from the Department of Public Safety. (Sec.  
3) "Narcotic drugs" is defined as meaning "coca leaves, opium,  
pyote, mescal bean, and cannabis", etc. (Sec. 1, subs.  
14) "Cannabis" is defined as follows by Sec. 1, subs. 13  
of the Act:

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"The term 'cannabis', as used in this Act shall include all parts of the plant Cannabis Sativa L., whether growing or not, the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but shall not include the nonresinous oil obtained from such seed, nor the mature stalks of such plant, nor any product or manufacture of such stalks, except the resin extracted therefrom and any compound, manufacture, salt, derivative mixture, or preparation of such resin. The term 'cannabis' shall include those varieties of cannabis known as Marihuana, Hasheesh and Hasish."

Thus, the growing of cannabis sativa, or hemp, is not absolutely prohibited, but is strictly regulated. A person desiring to grow hemp for its fiber alone in Texas must obtain a license so to do from the Department of Public Safety, under the terms and conditions prescribed by the Uniform Narcotic Drug Act.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By (Signed) R. W. FAIRCHILD  
Assistant

APPROVED MAR. 23, 1942

(Signed) GROVER SELLERS  
First Assistant Attorney General

APPROVED OPINION COMMITTEE  
By E. W. B. Chairman

RWF-MR:msm